

DRAFT

MINUTES OF THE CITY COUNCIL OF THE CITY OF GREENSBORO, N. C.

REGULAR MEETING:

4 JANUARY 2005

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers T. Dianne Bellamy-Small, Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Blair Carr, Assistant City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Kevin Elwood, employee in the Transportation Department, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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Councilmember Gatten noted that Council had received a request to continue Item #8 to the January 18 Council meeting and asked that Council consider taking action at this time. The Mayor stated this was the time and place set for a public hearing to consider an ordinance rezoning from RS-7 Residential Single Family to Conditional District – RM-26 Residential Multifamily for property located on the west side of Aycock Street and east side of Fuller Street between Holbrook Street and Hertford Street and asked if anyone wished to be heard. After brief discussion with regard to the appropriate date to continue this matter, including input from Seth Coker, developer of the property, Councilmember Johnson moved to continue the ordinance to the February 1, 2005 meeting of Council without further advertising. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits—3.674 acres at Creswell Court at Grandover.

Richard “Dick” Hails, Planning Department Director, advised that this action was being requested in keeping with the City’s policy to annex Grandover property as it developed, described the property proposed for annexation, and stated that the Planning Board and Planning Department staff recommended approval of the request.

The Mayor asked if anyone wished to be heard.

There being no on present desiring to speak to this matter, Councilmember Carmany moved adoption of the ordinance. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-1 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (3.674 ACRES AT CRESWELL COURT AT GRANDOVER)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

Beginning at a point in the existing Greensboro satellite city limits, said point being in the west line of property of Frank C. Cletus, being Lot 4 at Plat Book 39, Page 41 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along said west line S 02° 49' 38" W 81.24 feet to the northwest corner of Lot 3 as shown at said plat book and page; thence along the west line of said Lot 3 S 03° 03' 18" W 130.78 feet to its southwest corner, said corner also being a point in the north line of Lot 1 at Plat Book 97, Page 54 in the Office of the Register of Deeds; thence along said north line N 70° 14' 19" W 123.37 feet to the northwest corner of said Lot 1; thence along the west line of said Lot 1 S 20° 37' 11" W 168.96 feet to the northwest corner of Lot 2 as shown at said plat book and page; thence along the west line of said Lot 2 and the projection thereof S 20° 38' 50" W 419.53 feet to the former centerline of Green Lake Court (a closed street previously named Wiley Davis Road); thence along said centerline S 80° 27' 11" W 95.74 feet to a point in the existing Greensboro satellite city limits; THENCE CONTINUING WITH THE EXISTING CITY LIMITS N 53° 22' 32" W 214.03 feet to a point on the east right-of-way line of Creswell Court; thence along said right-of-way line the following eight (8) courses: along the arc of a curve to the left, having a radius of 325.00 feet and a chord bearing and distance of N 29° 16' 05" E 27.56 feet to a point, N 26° 49' 03" E 78.50 feet to a point, along the arc of a curve to the right, having a radius of 325.00 feet and a chord bearing and distance of N 38° 03' 18" E 126.93 feet to a point, N 49° 19' 05" E 102.86 feet to a point, along the arc of a curve to the left, having a radius of 525.00 feet and a chord bearing and distance of N 38° 17' 04" E 201.27 feet to a point, along the arc of a curve to the right, having a radius of 592.12 feet and a chord bearing and distance of N 29° 40' 00" E 110.40 feet to a point, N 34° 48' 17" E 90.88 feet to a point, and along the arc of a curve to the left, having a radius of 278.86 feet and a chord bearing and distance of N 33° 06' 30" E 5.27 feet to a point; thence departing said right-of-way N 86° 38' 46" E 122.81 feet to a point; thence N 78° 45' 15" E 39.61 feet to the Point an Place of Beginning, containing 3.674 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2005, the liability for municipal taxes for the 2004-2005 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2005. Municipal ad valorem taxes for the 2005-2006 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2005.

(Signed) Sandy Carmany

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits—27.04 acres at 1433 Alamance Church Road. He thereupon introduced so these matters could be discussed together, and ordinance establishing original zoning classification from County Zoning

Agricultural and RS-40 Residential Single Family to City Zoning Conditional District-RS-9 Residential Single Family for property located on the north side of Alamance Church Road north of the terminus of Zornbrook Drive, and north and east of Hyalyn Court.

Mr. Hails used a map and slides to illustrate the site and surrounding area, read the conditions contained in the proposed zoning ordinance and stated that the Zoning Commission recommended approval.

The Mayor asked if anyone wished to be heard.

Charlie Melvin, with offices at 300 North Greene Street and representing Shugart Management, spoke in favor of the annexation and zoning, reviewed the company's plan of development, provided a history of the property, and stated the developer believed this proposal was an appropriate use of the property and would address the need for single family development in the area.

Greg Garrett, Shugart Management, 221 Jonestown Road, Winson-Salem, NC, spoke to the work of the company and to the proposed development, noted meetings were held with Wilpar neighborhood representatives and stated that conditions contained in the proposed zoning ordinance were added to address community concerns.

Mr. Hails stated that the proposed land use conformed with the Comprehensive Plan and that staff recommended approval.

In response to an inquiry by Councilmember Bellamy-Small, Mr. Garrett stated that it was his understanding that property owners had been notified by the City as required by law; he emphasized that his efforts to locate a contact person to represent the Zornbrook area were unsuccessful. Brief discussion was held with regard to the City's notification process; Mr. Hails advised that members of the Zornbrook neighborhood would have received notices.

Councilmember Burroughs-White moved to close the public hearing on the two items. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits—27.04 acres at 1433 Alamance Church Road. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: Bellamy-Small.

05-2 **ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (27.04 ACRES AT 1433 ALAMANCE CHURCH ROAD)**

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of November 31, 2004), said point being in the north right-of-way line of Alamance Church Road at the southwest corner of the property now or formerly of John William Sharpe, Jr.; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS along the north right-of-way line of Alamance Church Road N 64°12'34" W 672.88 feet to the southeast corner of Zornbrook Valley Subdivision as per plats thereof recorded in Plat Book 96, Page 20 and Plat Book 115, Page 16 in the Office of the Register of Deeds of Guilford County; thence along the east line of Zornbrook Valley Subdivision N 14°59'16" E 727.64 feet to a point; thence along the north line of Zornbrook Valley Subdivision N 67°01'44" W 886.68 feet to a point in the east line of the property now or formerly of Martha P. Clark; thence along Clark's east line N 01°28'20" E 92.36 feet to a point in the south line of the property now or formerly of Edna L. Czerski; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along said line of Czerski and the south line of property now or formerly of Robert N. Sharpe, Jr. S 88°12'12" E 1,603.07 feet to the northwest corner of the property now or formerly of W.H. Kirkman, Jr.; thence along the west line of Kirkman S 02°03'16" W 594.91 feet to a point; thence along the west line of Kirman and the west line of John William Sharpe, Jr. S 23°52'21" W 863.08 feet to the point and place of BEGINNING, containing 27.04 acres, more or less.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2005, the liability for municipal taxes for the 2004-2005 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2005. Municipal ad valorem taxes for the 2005-2006 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2005.

(Signed) Yvonne J. Johnson

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Councilmember Burroughs-White moved adoption of the ordinance establishing original zoning classification from County Zoning Agricultural and RS-40 Residential Single Family to City Zoning Conditional District-RS-9 Residential Single Family for property located on the north side of Alamance Church Road north of the terminus of Zornbrook Drive, and north and east of Hyalyn Court. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-3 AMENDING OFFICIAL ZONING MAP

NORTH SIDE OF ALAMANCE CHURCH ROAD NORTH OF THE TERMINUS OF ZORNBROOK DRIVE, AND NORTH AND EAST OF HYALYN COURT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural and RS-40 Residential Single Family to City Zoning Conditional District – RS-9 Residential Single Family (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the northern margin of Alamance Church Road at the southwest corner of the property now or formerly of John William Sharpe, Jr. and running thence along the northern margin of Alamance Church Road North 64°12'34" West 672.88 feet to the southeast corner of Zornbrook Valley Subdivision as per plats thereof recorded in Plat Book 96, Page 20 and Plat Book 115, Page 16; thence along the eastern line of Zornbrook Valley Subdivision North 14°59'16" East 727.64 feet to a point; thence along the northern line of Zornbrook Valley Subdivision North 67°01'44" West 886.68 feet to a point in the eastern line of the property now or formerly of Martha P. Clark; thence along the eastern line of the property now or formerly of Clark North 01°28'20" East 92.36 feet to a point in the southern line of the property now or formerly of Edna L. Czerski; thence along the line of Czerski and the property now or formerly of Robert N. Sharpe, Jr. South 88°12'12" East 1,603.07 feet to a point at the northwest corner of the property now or formerly of W.H. Kirkman, Jr.; thence along the western line of Kirkman South 02°03'16" West 594.91 feet to a point in the line of Kirman; thence along the line of Kirman and the line of John William

Sharpe, Jr. South 23°52'21" West 863.08 feet to the point and place of BEGINNING, containing 27.04 acres, more or less.

Section 2. That the establishment of original zoning to Conditional District – RS-9 Residential Single Family is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: Single family detached residences and accessory uses.
- 2) There will be a maximum of 98 lots.
- 3) There will be provided along Alamance Church Road a landscaped area having a minimum width of 20 feet which shall contain a berm.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon date of annexation.

(Signed) Claudette Burroughs-White

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Item #8, an ordinance rezoning from RS-7 Residential Single Family to Conditional District – RM-26 Residential Multifamily for property located on the west side of Aycock Street and east side of Fuller Street between Holbrook Street and Hertford Street, was continued earlier in the meeting.

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution closing Parkland Drive, from the northeastern right-of-way line of the I-40 ramp at Guilford College Road eastward to the western right-of-way line of Hywood Drive, a distance of approximately 750 feet.

The Mayor asked if anyone wished to be heard.

There being no one present who wished to speak, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

1-05 RESOLUTION CLOSING PARKLAND DRIVE, FROM THE NORTHEASTERN RIGHT-OF-WAY LINE OF THE I-40 RAMP AT GUILFORD COLLEGE ROAD EASTWARD TO THE WESTERN RIGHT-OF-WAY LINE OF HYWOOD DRIVE, DISTANCE OF APPROXIMATELY 750 FEET

WHEREAS, the owner of a majority of the property abutting both sides of Parkland Drive requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, January 4, 2005, at 6:00 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owner of a majority of the property abutting both sides of the hereinafter mentioned portion of street has requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street is hereby permanently closed and abandoned as a public street:

PARKLAND DRIVE, FROM THE NORTHEASTERN RIGHT-OF-WAY LINE OF THE I-40 RAMP AT GUILFORD COLLEGE ROAD EASTWARD TO THE WESTERN RIGHT-OF-WAY LINE OF HYWOOD DRIVE, A DISTANCE OF APPROXIMATELY 750 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Claudette Burroughs-White

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At the request of Councilmember Vaughan, Item #14 was removed from the Consent Agenda.

Councilmember Bellamy-Small moved adoption of the ordinances, resolutions and motion listed on the Consent Agenda, as amended. The motion was seconded by Councilmember Carmany; the amended Consent Agenda was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-4 ORDINANCE AMENDING THE SOUTH ELM STREET REDEVELOPMENT FUND BUDGET FOR THE APPROPRIATION OF A SECTION 108 LOAN AND BEDI BROWNFIELDS GRANT

Section 1:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the South Elm Street Redevelopment Fund of the City of Greensboro is hereby amended as follows:

That the appropriation for the South Elm Street Redevelopment Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
Section 108		
217-1082-01.5288	South Elm (108) – Property Acquisition	\$1,700,000
217-1082-01.5284	South Elm (108) – Relocation	\$ 400,000
217-1082-01.5426	South Elm (108) – Contracted Demolition	\$ 300,000
217-1082-01.5285	South Elm (108) – Disposition Expenses	\$ 300,000
217-1082-01.5413	South Elm (108) – Consultant Services	\$ 300,000
BEDI		
217-2206-01.5285	South Elm (BEDI) – Disposition Expenses	<u>\$2,000,000</u>
Total		\$5,000,000

and that this increase be financed by increasing the South Elm Street Redevelopment Fund account as follows:

Section 108

217-1082-01.7100	Federal Grant	\$3,000,000
BEDI		
217-2206-01.7100	Federal Grant	<u>\$2,000,000</u>
Total		\$5,000,000

Section 2:

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

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2-05 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2003-57 WITH TRIANGLE PAVING & GRADING FOR THE SPRING GARDEN STREET MEDIAN IMPROVEMENTS PROJECT

WHEREAS, Contract No. 2003-57 with Triangle Paving & Grading for the provides for the Spring Garden Street Median improvements;

WHEREAS, due to unforeseen obstacles discovered beneath the existing surface in this older historical part of town, ADA requirements for sidewalk, wheelchair ramps and driveway aprons which require additional curb and gutter removal and replacement, and the request for adjustment of horizontal alignment in the field due to the discovery of repeated damage of new construction by large vehicles which are required, thereby necessitating a change order in the contract in the amount of \$89,747.20.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Triangle Paving & Grading for the Spring Garden Street Median Improvements is hereby authorized at a total cost of \$89,747.20, payment of said additional amount to be made from Account No. 402-4531-01.6014 Activity 03217.

(Signed) T. Dianne Bellamy-Small

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3-05 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY OF THE STATE OF NORTH CAROLINA FOR THE FRANKLIN BOULEVARD WIDENING PROJECT

WHEREAS, in connection with the Franklin Boulevard Widening improvements project, the property owned by the State of North Carolina, Tax Map No. 209-2-1 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$30,615.00, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$30,615.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 441-6003-07-6012 Activity Number 01061.

(Signed) T. Dianne Bellamy-Small

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4-05 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2003-48 WITH JIMMY R. LYNCH & SONS FOR THE BLEDSOE DRIVE SEWER PUMP STATION PROJECT

WHEREAS, after due notice, bids have been received for the Bledsoe Drive Sewer Pump Station project;

WHEREAS, Jimmy R. Lynch & Sons, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$2,181,987.00 as general contractor for Contract No. 2003-48, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Jimmy R. Lynch & Sons is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$2,181,987.00 from Account No. 511-7044-01.6017 Activity #04157.

(Signed) T. Dianne Bellamy-Small

(A tabulation of bids for the Bledsoe Drive Sewer Pump Station Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Motion to approve minutes of regular meeting of December 7, 2004 was unanimously adopted.

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Mayor Holliday introduced Item #14, a resolution approving and authorizing adjustment in the amount of \$349,956 to water and sewer bill to Cone Mills, which had been removed from the Consent Agenda.

At Councilmember Vaughan's request, Councilmember Gatten moved to excuse him from voting on this matter due to a conflict of interest. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of Council.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Bellamy-Small; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins and Phillips. Noes: None, with Councilmember Vaughan voting in absentia as required by law.

5-05 RESOLUTION APPROVING AND AUTHORIZING ADJUSTMENT TO WATER AND SEWER BILL TO CONE MILLS

WHEREAS, under the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro the Water Resources Customer Service Department is occasionally required to make adjustments to customer service bills;

WHEREAS, Cone Mills is a large sewer customer and maintains the sewer flow meter on their property;

WHEREAS, during the October cycle the meter malfunctioned, which malfunction was not reported to the Water Customer Service as provided in their permit;

WHEREAS, the flow was recorded over 100 times their average flow and, as a result, the erroneous billing was posted to their account and after discussions with the customer the city has calculated an adjustment of \$349,956 in accordance with the above mentioned Rules;

WHEREAS, it has been determined that \$349,956 represents the sewer rebate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the reduction of this water bill is hereby approved and the Water Resources Customer Service Department is hereby authorized to reduce the bill to Cone Mills for service by \$349,956.

(Signed) Claudette Burroughs-White

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After the Mayor introduced an ordinance amending in the amount of \$63,950 State, Federal and Other Grants Fund Budget for Parks and Recreation/NCDENR Bicentennial Greenway Neighborhood Connector Trail Project, Councilmember Phillips moved adoption of the ordinance. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-5 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR PARKS AND RECREATION/NCDENR BICENTENNIAL GREENWAY NEIGHBORHOOD CONNECTOR TRAIL PROJECT

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5093-01.6019	Other Improvements	\$37,450
220-5093-01.5928	In-Kind Services	\$ 5,000
220-5093-01.5413	Consultant Services	<u>\$21,500</u>
Total		\$63,950

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5093-01.7110	State Grant	\$50,000
220-5093-01.8695	Local In-kind Services	\$5,000
220-5093-01.9101	Transfer from General Fund	<u>\$8,950</u>
Total		\$ 63,950

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Thomas M. Phillips

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Mayor Holliday introduced a resolution amending the Water and Sewer Extension Policy.

After the Manager advised the resolution was requested by Council, Councilmember Gatten noted that Council voted unanimously at the 19 October 2004 City Council meeting to direct staff to prepare this resolution.

Councilmember Phillips moved adoption of the resolution; the motion was seconded by Councilmember Perkins.

Dan O'Shea, residing at 2530 Brandt Forest Court and General Manager of Fairway Outdoor Advertising, spoke in opposition to the proposed resolution; he stated he believed this broad approach would affect not only outdoor advertising but other issues, including the type of paint and materials that could be used and would negatively impact citizens in the County. He stated that it was his perception that the resolution was an intent to circumvent the just compensation legislation for billboards passed by the General Assembly by forcing the removal of signs without compensation in order to become eligible for municipal services.

Speaking in opposition, John Higgins, residing at 1401 Hobbs Road, Chairperson of Triad Real Estate and Building Industry Coalition (TREBIC) offered his opinions with respect to the proposed resolution and stated that he believed Council and citizens needed more time to analyze the situation; he stated that, in his opinion, this complex issue should be addressed with an ordinance, not a resolution. Mr. Higgins expressed concern that the resolution would have unintended consequences and questioned the manner in which this resolution would be enforced outside the City limits.

Brief discussion was held with respect to problems encountered when the City annexed subdivisions that had been developed to meet County standards but did not meet City development standards and the manner in which the City could respond to the complaints of residents about this development in the annexed areas. Discussion was also held with regard to variables that could be created when portions of tracts of land were divided or sold and the way these non-compliant uses could be addressed by the Board of Adjustment or City Council. Mr. Higgins expressed concern that there was no established criteria at this time.

Marlene Sanford, residing at 115 South Westgate Drive and President of TREBIC, offered her opinions with respect to the proposed resolution; she stated that she believed what started as a billboard issue now affected every resident and landowner in the City's future planning area, thousands of citizens, who were without representation with respect to City codes. She stated that while she understood the voluntary water and sewer agreement, it was her opinion that this proposed resolution would circumvent the Extraterritorial Jurisdiction (ETJ) process and noted that under the ETJ process, citizens had representation on planning and zoning in the development of code and policies.

Brief discussion was held with regard to High Point's policy that owners of property being annexed and receiving services were required to conform to the City's development standards, that these citizens were immediately afforded representation; Ms. Sanford stated that in her opinion the process in Greensboro was not fair and should be changed.

Councilmember Phillips offered his personal opinion that Council should vote on this resolution to ensure compliance in the County and stop future attempts to circumvent the policy.

In response to Council's requests, the Assistant City Attorney Carr briefly explained that ETJ involved an established, uniform distance around the corporate limits; she briefly explained that Chapter 29 provided for the Manager to develop policies, while the proposed Council resolution stated the policy City Council wished the Manager to include into the existing water and sewer policy. She explained portions of the proposed resolution, particularly the provision regarding compliance of divided tracts.

Members of Council discussed at length personal opinions and concerns with regard to the proposed resolution. Discussion was held with regard to the Scenic Corridor provision established by Council for the portion of Painter Boulevard located inside the City limits, the fact that Guilford County had permitted billboards on the portions of the loop located in the County, the difference between Greensboro and High Point's policy with regard to annexation and the provision of water and sewer services, the manner in which the City could address unexpected issues that might

arise after adoption of the resolution, individual thoughts with respect to the existence of billboards on any portion of Painter Boulevard, the earlier vote by Council to direct staff to prepare the proposed resolution, the affect billboards would have on Greensboro's image, and numerous comments related in general to billboards, water and sewer service to county residents, etc.

The resolution, having been moved and seconded earlier in the meeting, was thereupon **DEFEATED** on the following roll call vote: Ayes: Carmany, Gatten, Perkins and Phillips. Noes: Bellamy-Small, Burroughs-White, Holliday, Johnson and Vaughan.

(A copy of the resolution as **DEFEATED** and additional information is filed in Exhibit Drawer P, Exhibit Number 2, which is hereby referred to and made a part of these minutes.)

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Mayor Holliday introduced a resolution approving bid in the amount of \$2,280,221.26 and authorizing execution of Contract No. 2004-018 with Triangle Grading & Paving Company for the Greene Street Streetscape Improvements Project.

Jim Westmoreland, Transportation Department Director, provided an update with regard to the project and timeframe for completion; he noted that after the project had been re-bid, the low bid was less than the engineer's estimate and advised the renovations would include a roundabout at McGee and Greene Streets. Discussion was held with regard to the process to request the use of the roundabout for placement of a statute and whether this would be an appropriate use of this confined space and with regard to the process to be used to notify the public of this project

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

6-05 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2004-18 WITH TRIANGLE GRADING & PAVING COMPANY FOR THE GREENE STREET STREETSCAPE IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for the Greene Street Streetscape improvements project;

WHEREAS, Triangle Grading & Paving Company, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$2,280,221.26 as general contractor for Contract No. 2004-18, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Triangle Grading & Paving Company is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$1,987,132.26 from Account No. 402-4531-01.6014 Activity #03217, in the amount of \$56,718.00 from Account No. 402-4531-01.6015 Activity #03218 and in the amount of \$236,371.00 from Account No. 506-7004-01.6018 Activity #05088.

(Signed) Claudette Burroughs-White

(A tabulation of bids for the Greene Street Streetscape Improvements Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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The Mayor introduced a resolution authorizing municipal agreement between the North Carolina Department of Transportation and the City of Greensboro (East Market Street Bridge Replacement Over US-29 Project).

After Mr. Westmoreland spoke to the timeframe for completion of this project and expressed appreciation to North Carolina Department of Transportation (NCDOT) representatives for their assistance with regard to the overall Market Street project. Brief discussion was held with regard to the process for the purchase by NCDOT of houses in the area.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

7-05 RESOLUTION AUTHORIZING MUNICIPAL AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF GREENSBORO (EAST MARKET STREET BRIDGE REPLACEMENT OVER US-29 PROJECT)

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within the City under Project B-3851, Guilford County, said plans consisting of the replacement of Bridge 21 over US 29 on SR 3163;

WHEREAS, said Department of Transportation and the City proposed to enter into an Agreement for the above-captioned project whereby the City agrees: (1) to effect the necessary adjustment of any utilities under franchise without cost to the Department of Transportation, (2) to provide for the adjustment of any municipally-owned utilities without cost to the Department of Transportation, except that said Department will reimburse this Municipality in accordance with said Department's Municipally-Owned Utility Policy; (3) to satisfy all public meeting or notice requirements related to the realignment of Gillespie Street and the elimination of the SE quadrant ramp; (4) provide adjustments to safety appurtenances as may be required by Norfolk Southern Railroad as necessitated by the realignment of Gillespie Street; and (5) be responsible for all right of way costs necessary to accommodate the realignment of Gillespie Street;

WHEREAS, the City shall provide the advanced funding for the additional work in the lump sum amount of \$958,335 due ten (10) calendar days prior to the bid opening date of the Department's Project B-3851;

WHEREAS, the Department agrees to acquire the right of way and construct the project in accordance with the approved project plans;

WHEREAS, the Agreement will further provide for the establishment, maintenance and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Project B-3851, Guilford County is hereby approved and the Mayor and City Clerk are hereby authorized to sign and execute the Agreement with the Department of Transportation.

(Signed) Claudette Burroughs-White

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Attorneys Ed Galloway, residing at 10 Independence Court; William R. Hoyle, residing at 718 Dover Road and Jim Saintsing, residing at 531 Woodvale Drive; expressed concern that the City had eliminated public access to water billing information without any public discussion or notice. They offered their opinions with regard to the right of the public to have access to this information that was important to the real estate closing process, expressed concern that Greensboro considered an unpaid water bill as a lien on property, and noted opposition to the new process of having the property owner sign a form to allow attorneys access to information and to the lengthy timeframe involved in having the request processed by the City. The Assistant City Attorney explained the legal rationale for the policy change and reiterated that this provision was established by North Carolina General Statutes, not Council action. Lengthy discussion was held with regard to the fact that the attorneys had not discussed this matter with the City Attorney's Office, problems involved with securing payment for unpaid water bills by vacating tenants resulting in property owners

having to pay the bills, the fact that required water deposits would not cover the unpaid bills, and the fact that these water bills represented a significant amount of revenue for the City.

Deputy City Manager Johnson described the new billing system that would help address the issue of tenants not paying water bills at one location and applying for water at another location, the form for property owners to sign to enable real estate attorneys to obtain information about water liens and the timeframe for processing by the City, and the intent to work with the City Attorney's Office to make this information more readily available. Council suggested that staff contact other municipalities to obtain details with regard to their process. After lengthy discussion, the City Manager advised a report would be forthcoming.

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Larsina Johnson, residing at 3900 Cotswold Avenue, Apartment #105E, stated that she represented riders of Specialized Community Area Transportation Service (SCAT) who could not afford a fare increase; she expressed opposition to the elimination of the unlimited pass and/or to any increase. She expressed the opinion that this action would discriminate against people with disabilities.

Mayor Holliday advised the individuals who were present at the meeting to speak to SCAT that Council would not make a decision on this matter at this meeting; he advised this topic would be discussed at the regular meeting of January 18, 2005. The speakers indicated that they wanted to speak at this meeting.

Claire Holmes, residing at 1904 Colonial Avenue, spoke to her perception of and the confusion among riders with regard to information received from Greensboro Transit Authority (GTA) indicating that the decision with regard to the fare structure/service had already been made; she expressed concern that she had not received information requested from GTA. Ms. Holmes spoke to current and future SCAT ridership, offered her opinions with regard to the negative impact the proposed changes would have on persons with disabilities, mentioned comments that this service was being abused, stated it was her understanding that it was illegal to ask riders the purpose of their rides, spoke to certain GTA programs to increase ridership, and asked if possible solutions had been considered to save money; i.e., cutting administrative costs of GTA, combining services with other municipalities, taxi subsidy, any cost increases being made in incremental stages, etc.

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The Mayor declared a recess at 8:05 p.m.

The meeting reconvened at 8:20 p.m. with all members of Council present.

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Anjail Ahmad, residing at 2 Ivy Glen Court, stated that he had decided to come to Greensboro because of the SCAT services offered would allow him to live an independent and productive life and spoke to his use of SCAT services for work and other activities. Speaking in opposition to the elimination of unlimited passes, he stated that he could understand a moderate increase for services.

Kingata Williams, residing at 241F Meadow Gate, stated that she represented college students, who use SCAT services for school; she stated she couldn't afford an increase and spoke to her use of SCAT services for school and leisure activities.

Art Saunders, residing at 3005 East Graystone Point, stated he believed SCAT was the greatest thing to happen that allowed persons with disabilities to be more independent. He spoke to his use of SCAT 16-20 times per week, expressed opposition to a fare increase and the elimination of unlimited passes; Mr. Saunders stated the increase would have a negative impact on him and others users of the service. Suggesting that a committee comprised of staff and citizens might be created to review this matter, Mr. Saunders offered to serve as a member.

Ashley Rogg, residing at 5005 Bass Chapel Road, 1-D, expressed concern with a fare increase, stated she didn't abuse the services, and spoke to the financial hardship an increased cost would have on persons with disabilities.

Council discussion was held with regard to the SCAT services and proposed fee increases. Mayor Holliday stated that Council had worked diligently to develop solutions that were fair and equitable and reiterated that this matter would be discussed at the January 18 City Council meeting.

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Mayor Holliday recognized Kay Cashion, member of the Guilford County Board of Commissioners, who was present for the meeting.

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Brief discussion was held with regard to an upcoming visit to Randleman Dam by a few members of Council.

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Councilmember Phillips noted the Rental Unit Certificate Advisory Board had discussed the fact that there was no mechanism in place to track individuals who purchase property for rent as a business unless a complaint was received. Discussion included suggestions for possible ways to track these individuals prior to the implementation of the Rental Unit Certificate of Occupancy; i.e., using a privilege license to track those individuals who rent houses for a business, use the water billing system to determine if water is being provided to someone other than the property owner at a specific location, change the water application form to require the applicant to designate whether they were a property owner or renter, etc. Butch Simmons, Engineering and Inspections Department Director, explained that currently there was no way to determine the amount of rental increase but emphasized after 3 ½ years, everyone renting property for business purposes would be required to have a Rental Unit Certificate of Occupancy. After brief discussion with regard to the feasibility of using the water billing system to track the increased rental business, Deputy City Manager Johnson advised staff could look at the system to determine if this could be done.

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Members of Council discussed various events and items of interest to the community.

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Advising that Duke Power had begun trimming trees in the rights-of-way in Council District 4, Councilmember Gatten provided detailed locations in which this trimming would take place. She also advised that Duke Power had tree experts who used approved methods, noted area problems in the past with regard to loss of power and asked citizens who had questions to contact her or Duke Power.

Councilmember Gatten commended Jim Westmoreland, Transportation Department Director, and his staff for their work to solve a traffic issue in the area of Hobbs Road.

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Councilmember Burroughs-White reminded Council and citizens that the Human Relations Department was sponsoring the Martin Luther King, Jr. breakfast on January 17.

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Councilmember Johnson confirmed that Horace Kimel's name was in the data bank for consideration for future service.

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Councilmember Vaughan made brief comments about a recent red light camera decision.

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Councilmember Bellamy-Small thanked Council for adoption of the resolution commemorating the 60th Anniversary of Greensboro's first African American Police Officers. She offered condolences to the family of retired Greensboro Police Department Captain Robert "Bob" Steele and spoke to his most recent work as a bus driver for Sternberger School.

Councilmember Bellamy-Small commended Mr. Westmoreland and his staff for their timely installation of a four-way stop sign in the area of Ashe/Arlington Streets.

Councilmember Bellamy-Small added the name of Olga Wright to the boards and commissions data bank for consideration for future service.

Councilmember Bellamy-Small expressed appreciation to the City Manager and City staff for their assistance and support during her first year as a member of Council.

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Councilmember Carmany requested that new, available information with regard to the red light program be provided to Council.

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Mayor Holliday commended Mr. Westmoreland and his staff on the success of the recent leaf-pickup season.

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City Manager Kitchen distributed information to Council for the January 6, 2005 Council Work Session.

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Councilmember Vaughan moved that the City Council adjourn. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 9:00 P.M.

KEITH A. HOLLIDAY
MAYOR

JUANITA F. COOPER
CITY CLERK
